

Senate Study Bill 3091 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act creating a sandrock center for land and water science,
2 and providing for the transfer of positions from the
3 department of natural resources to the center.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 352.4, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. The state department of agriculture and land
4 stewardship, department of management, department of natural
5 resources, ~~geological survey~~ sandrock center for land and water
6 science, state agricultural extension service, and the economic
7 development authority shall, upon request, provide to each
8 county commission any pertinent land use information available
9 to assist in the compiling of the county land use inventories.

10 Sec. 2. Section 455A.4, subsection 1, paragraph b, Code
11 2011, is amended to read as follows:

12 b. Provide overall supervision, direction, and coordination
13 of functions to be administered by the administrators under
14 chapters 321G, 321I, 455B, 455C, ~~456~~, 456A, 456B, 457A, 458A,
15 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,
16 483A, 484A, and 484B.

17 Sec. 3. Section 455B.187, unnumbered paragraph 1, Code
18 2011, is amended to read as follows:

19 A contractor shall not engage in well construction or
20 reconstruction without first being certified as required
21 in this part and department rules adopted pursuant to this
22 part. Water wells shall not be constructed, reconstructed,
23 or abandoned by a person except as provided in this part or
24 rules adopted pursuant to this part. Within thirty days after
25 construction or reconstruction of a well, a contractor shall
26 provide well information required by rule to the department and
27 the ~~Iowa geological survey~~ sandrock center for land and water
28 science.

29 Sec. 4. Section 455B.262, subsection 1, Code 2011, is
30 amended to read as follows:

31 1. It is recognized that the protection of life and
32 property from floods, the prevention of damage to lands from
33 floods, and the orderly development, wise use, protection,
34 and conservation of the water resources of the state by their
35 considered and proper use is of paramount importance to the

1 welfare and prosperity of the people of the state, and to
2 realize these objectives, it is the policy of the state to
3 correlate and vest the powers of the state in a single agency,
4 the department, with the duty and authority to assess the
5 water needs of all water users at five-year intervals for the
6 twenty years beginning January 1, 1985, and ending December
7 31, 2004, utilizing a database developed and managed by the
8 ~~Iowa geological survey~~ sandrock center for land and water
9 science, and to prepare a general plan of water allocation
10 in this state considering the quantity and quality of water
11 resources available in this state designed to meet the specific
12 needs of the water users. The department shall also develop
13 and the department shall adopt no later than June 30, 1986,
14 a plan for delineation of floodplain and floodway boundaries
15 for selected stream reaches in the various river basins of
16 the state. Selection of the stream reaches and assignment of
17 priorities for mapping of the selected reaches shall be based
18 on consideration of flooding characteristics, the type and
19 extent of existing and anticipated flood plain development in
20 particular stream reaches, and the needs of local governmental
21 bodies for assistance in delineating floodplain and floodway
22 boundaries. The plan of floodplain mapping shall be for the
23 period from June 30, 1986, to December 31, 2004. After the
24 department adopts a plan of floodplain mapping, the department
25 shall submit a progress report and proposed implementation
26 schedule to the general assembly biennially. The department
27 may modify the floodplain mapping plan as needed in response to
28 changing circumstances.

29 Sec. 5. Section 456.1, Code Supplement 2011, is amended to
30 read as follows:

31 **456.1 ~~Geological survey~~ Sandrock center for land and water**
32 **science created — definitions.**

33 1. A ~~geological survey of the state~~ sandrock center for land
34 and water science is created ~~within the department~~.

35 2. ~~As used in this chapter, unless the context otherwise~~

1 requires:

2 ~~a. "Department" means the department of natural resources~~
3 ~~created under section 455A.2.~~

4 ~~b. "Director" means the director of the department.~~

5 2. The sandrock center for land and water science shall be
6 located in or in proximity to Iowa City. For administrative
7 purposes, the president of the state university of Iowa shall
8 cooperate with the director of the center to provide office
9 space, staff assistance, and necessary supplies and equipment.

10 3. The state geologist may establish divisions within the
11 center and positions within each division, which may provide
12 for geological studies, stratigraphy and economic geology,
13 water resources, technical services, administrative services,
14 and contracts and grants administration.

15 Sec. 6. NEW SECTION. 456.1A Definitions.

16 As used in this chapter, unless the context otherwise
17 requires, "center" means the sandrock center for land and water
18 science.

19 Sec. 7. NEW SECTION. 456.1B Mission.

20 1. It is the mission of the sandrock center for land and
21 water science to plan and implement initiatives that result
22 in the acquisition of comprehensive information regarding the
23 mineral and water resources of this state, with an emphasis
24 on water supply developments and monitoring the effects
25 of environmental impacts on water quality in a politically
26 independent manner. The center shall endeavor to enhance this
27 state's economy through the development and management of this
28 state's precious geological and hydrological resources, while
29 providing a clean and healthy environment for Iowa's citizens.

30 2. The sandrock center for land and water science shall
31 analyze, interpret, and make available to the public, private
32 sector, and public policy-makers publications, consultant
33 services, and a library of databases in order to improve the
34 integration and analysis of natural resource information in
35 a manner that informs decisions affecting the management,

1 development, and protection of Iowa's natural resources.

2 Sec. 8. NEW SECTION. **456.1C Cooperation.**

3 The sandrock center for land and water science shall
4 cooperate with federal and state agencies to maximize the
5 benefits derived from resource assessments and to expand
6 educational and technology transfer programs. The center shall
7 cooperate with all of the following:

8 1. For the federal government, the United States department
9 of agriculture and United States geological survey.

10 2. For institutions under the control of the state board of
11 regents, the Iowa flood center established in section 466C.1,
12 the state hygienic laboratory as provided in section 263.7, and
13 the state archaeologist appointed pursuant to section 263B.1.

14 Sec. 9. Section 456.2, Code 2011, is amended to read as
15 follows:

16 **456.2 State geologist — qualifications.**

17 1. The ~~director~~ governor shall appoint the state geologist,
18 subject to confirmation by the senate.

19 2. The state geologist shall serve at the pleasure of
20 the governor. The state geologist is exempt from the merit
21 system provisions of chapter 8A, subchapter IV. The governor
22 shall set the salary of the state geologist within the range
23 established by the general assembly.

24 3. The state geologist must have a degree in geology from an
25 accredited college or university and must have at least five
26 years of geological experience. ~~The annual salary of the state~~
27 ~~geologist shall be determined by the director.~~

28 Sec. 10. Section 456.3, Code 2011, is amended to read as
29 follows:

30 **456.3 Survey.**

31 The state geologist shall be director of the survey sandrock
32 center for land and water science and shall make a complete
33 survey of the natural resources of the state in all their
34 economic and scientific aspects, including the determination
35 of the order, arrangement, dip, and comparative magnitude of

1 the various formations; the discovery and examination of all
2 useful deposits, including their richness in mineral contents
3 and their fossils; and the investigation of the position,
4 formation, and arrangement of the different ores, coals, clays,
5 building stones, glass sands, marls, peats, mineral oils,
6 natural gases, mineral and artesian waters, and such other
7 minerals or other materials as may be useful, with particular
8 regard to the value thereof for commercial purposes and their
9 accessibility.

10 Sec. 11. Section 456.13, Code 2011, is amended to read as
11 follows:

12 **456.13 Maps property of state — custody — copies.**

13 The maps so delivered to the state geologist shall be the
14 property of the state and shall remain in the custody of the
15 state geologist. They shall be kept at the ~~office of the~~
16 ~~geological survey~~ sandrock center for land and water science
17 and be open to examination by all persons interested in the
18 maps, ~~but~~. However, such examination shall only be made in the
19 presence of the state geologist or a designee, and the state
20 geologist shall not permit any copies of the maps to be made
21 without the written consent of the operator or the owner of the
22 property, except as provided in section 456.11 or if the mine
23 has been abandoned for at least five years.

24 Sec. 12. TRANSFER OF POSITIONS. Persons who were employed
25 by the department of natural resources as part of its Iowa
26 geological and water survey on June 30, 2012, are transferred
27 to the sandrock center for land and water science as created
28 in this Act.

29 **Sec. 13. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.**

30 1. Any rule, regulation, form, order, or directive
31 promulgated by the department of natural resources as required
32 to administer and enforce the provisions of chapter 456 shall
33 continue in full force and effect until amended, repealed, or
34 supplemented by affirmative action of the sandrock center for
35 land and water science.

1 2. An administrative hearing or court proceeding arising
2 out of an enforcement action under section 192.109 pending
3 on the effective date of this Act shall not be affected due
4 to this Act. Any cause of action or statute of limitation
5 relating to an action taken by the department of natural
6 resources shall not be affected as a result of this Act and
7 such cause or statute of limitation shall apply to the sandrock
8 center for land and water science.

9 3. Any personnel in the state merit system of employment
10 who are mandatorily transferred due to the effect of this Act
11 shall be so transferred without any loss in salary, benefits,
12 or accrued years of service.

13 4. Any replacement of signs, logos, stationery, insignia,
14 uniforms, and related items that is made necessary due to
15 the effect of this Act shall be done as part of the normal
16 replacement cycle for such items.

EXPLANATION

18 In 1986, the general assembly enacted a comprehensive
19 reorganization of state government (1986 Iowa Acts, ch.
20 1245). As part of that legislation, the geological survey was
21 transferred under the authority of the department of natural
22 resources (referred to by the department but not in statute as
23 the Iowa geological and water survey). The department's unit
24 is headed by the state geologist and the survey is located in
25 Iowa City.

26 This bill renames the survey as the sandrock center for land
27 and water science. It provides that the state geologist is
28 appointed by the governor and confirmed by the senate in the
29 same manner as a department's director. It provides for the
30 center's mission which is to compile and analyze information
31 regarding the mineral and water resources of this state,
32 authorizes the center to cooperate with federal and state
33 agencies, and provides for its administration including its
34 location in Iowa City.

35 The bill provides for the transfer of personnel, the

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1 effectiveness of administrative rules, and the use of
2 items which include references to the department of natural
3 resources.